
Z-2234
NIKKO LLC TEDD RIEHLE
I3 TO GB

STAFF REPORT
April 15, 2005

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner, Nikko LLC, is requesting the rezoning of a 1.5-acre tract from I3 to GB. The proposed use is the Apple Tree Gallery, a consignment retail operation formerly located on 16th Street. The site is located along the west side of US 52S, about ¼ mile north CR 350S and is commonly known as 3510 US 52S, Wea 11 (NE) 22-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Indiana Crop Improvement Association originally rezoned this site from R1 to Industrial (I) in 1988. The I district became I3 with the adoption of UZO in 1998. Other rezones in the area include R1 to I1 directly across the highway (Z-2038) and R1 to I3, directly south along CR 350S (Z-1957). The County Commissioners approved five separate GB rezones at the US 52/CR 350S intersection in 2000 (Z-1915, 1952, -1953, -1954 and -1955).

AREA LAND USE PATTERNS:

The site and buildings are currently vacant and were last used for a landscaping business. Farm ground immediately surrounds the site with Wabash National trailer storage beyond. To the northeast across US 52 are a handful of single-family homes. There are currently no commercial retail uses in the area.

TRAFFIC AND TRANSPORTATION:

The site is located along US 52S, classified as a rural divided primary arterial in the *Thoroughfare Plan*. Two driveways provide access to the site from the highway.

Parking for the proposed retail use at the rate of 1 parking space per 200 square feet of gross floor area (parking group 8) is required by the zoning ordinance. According to the Wea Assessor's office, the existing main building is 7,112 square feet, which would require 36 paved parking spaces.

INDOT (Indiana Department of Transportation) has plans to build a bridge to carry US 52 traffic over the railroad tracks to the north. Plans for this project show that about .207 acres of land off the front of the property will be purchased. Staff is unsure whether the land left over after the taking will be sufficient to provide the required parking lot.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City sewer and water are currently unavailable at this location. The County Health Department has no record of a septic permit for this site and it is not known where the septic system for the existing building is located. If it's in front of the building, staff is not sure that adequate room will exist for a septic field on this property after the right-of-way for the overpass is acquired.

The possibility exists that a 15' wide Type A bufferyard will need to be installed around the lot where it abuts I3 zoning. Additionally, a 50' wide power line easement runs the length of the western property line.

STAFF COMMENTS:

This site is within the boundaries of the area included in the ***Amendment to the Adopted Land Use Plan Regarding the Expanded SIA Development Area*** adopted in 1987. The ***Plan*** shows this site within the "industrial" land use sector. Commercial expansion is planned in a compact pattern east of the Tippecanoe Mall and at the northeast quadrant on the I-65/SR 38E intersection.

Land in this area along US 52 is intended to be used for manufacturing operations, contracting, warehousing and wholesale activities according to the ***Land Use Plan*** and *not* retail trade and services to individuals. In fact, this 1.5-acre tract has historically been used industrially. History has shown us that once commercial zoning gains a foothold on an arterial beyond the outskirts of town, within a few years a corridor of GB zoning lines the entrance to the city. In fact, since 2000, staff has recommended against six rezones to GB in the vicinity of this request. The commercial sectors delineated in the ***Adopted Land Use Plan*** and existing vacant GB-zoned land at the US 52S/CR 350S intersection can meet the needs for additional commercial businesses in this part of the community. Furthermore, staff's concerns about room for a septic system and the required parking make this request unsupportable.

STAFF RECOMMENDATION:

Denial